

NEW JERSEY MILITIA

P.O. BOX 10176, TRENTON, NJ 08650

News Bulletin

For immediate release

Contact Bob Figueroa (609) 695-2733

Last December the New Jersey Militia asked police in Union county not to enforce the assault rifle ban. Union county was chosen because just before his death from cancer the prosecutor publicly called for "aggressive enforcement" of the ban. One of the responses we received was from Hillside Police Chief Frank DeSanto. What follows is an attempt to address his criticism point by point, criticism that other police officers may also share (see reverse).

- **"The leaflet handed to police is inflammatory."** The New Jersey Militia has pledged that there will never be a recurrence in New Jersey of what happened at Waco, Texas, where innocent Davidians were gassed and burned to death in an unmistakable police state action. Thus our leaflet's plea to "Stop the killing!!!" and "End the police state!!!"
- **"The courts should decide guilt or innocence at Waco."** Attorney General Reno and Secretaries of the Treasury Bentsen and Rubin have blocked the indictments of FBI and BATF agents even though the Senate Judiciary committee found that they had gravely abused their power. Only the Davidians have been tried; they are now serving forty year prison terms. Thus the scales of justice are not always balanced. Besides, police officers must not have at the back of the mind the idea that courts can decide; they must understand the Constitution and Bill of Rights and prevent such killings outright by refusing to participate. After all only the police can make a police state.
- **"The late prosecutor is not here to defend himself."** No disrespect is intended (and that is why we do not mention him by name, to spare his family), but officials who advocate lawlessness cannot go unchallenged. To remain silent would be an act of complicity. Had people resisted the Nazi Weapons Laws Hitler might have been stopped inside Germany.
- **"The prosecutor was a good, fair man."** These are admirable qualities, but the first requisite of every sworn officer is to uphold the Constitution. The fact that Fordham Law School failed to teach him that unconstitutional statutes such as the assault rifle ban are null and void in no way relieved him from his sworn duty. After all his \$100,000 salary was contingent on upholding his oath of office.
- **"The militia is right wing."** The New Jersey Militia is neither right-wing nor left-wing, the difference between them being merely one of degree. Of the four most murderous regimes of this century Nazi and Chinese Nationalist "right-wingers" killed 31 million and Soviet and Chinese communist "left-wingers" killed 97 million; these killings were of civilians and do not include battle dead (*Death by Government*, Rummel). The point is that many victims would have lived had they had our right to keep and bear arms. Chief DeSanto, however, belittles that right by charging that "narrow-minded 'militia' want to arm themselves with more fire power than some countries", unaware that in this century alone (through 1987) governments have killed 169 million disarmed civilians and that only armed people have the means to defend themselves against tyranny and outright slaughter, as at Waco.

What he does not challenge is our conclusion that the assault rifle ban is unlawful. It clearly violates the United States Constitution, Art. 1, Sec. 9, Clause 3 and Art. 1, Sec. 10, Cl. 1; as well as the N.J. Constitution, Art. IV, Sec. VII, para. 3, which prohibit ex post facto (retroactive) laws. Furthermore it violates the 14th Amendment of the Constitution which applies the entire Bill of Rights to the states. Thus even though our constitution does not explicitly mention the right to keep and bear arms we Jerseyans are guaranteed that right via the 14th Amendment.

Yet despite the clear unlawfulness of the assault rifle ban he stands ready to forswear his oath and enforce it. Why? Because he holds the utopian view that if guns are banned "we can live in peace". Chief, will you and your officers lay down your guns? What? Peace would not follow? Well, neither would peace come if the people were disarmed. Then they would be totally at the mercy not only of criminals but the incomparably more lethal police state.



TOWNSHIP OF HILLSIDE

NEW JERSEY

DEPARTMENT OF POLICE

JOHN F. KENNEDY PLAZA

LIBERTY AND HILLSIDE AVENUES

HILLSIDE, N.J. 07205



FRANK DeSANTO
Chief of Police

December 13, 1995

New Jersey Militia
P.O. Box 10176
Trenton, New Jersey 08650

Dear Sirs:

I take offense to your "News Bulletin & Plea for Reason" for immediate release to prosecutors and lawmen. Your phrases "Stop the killing!!!" and "End the police state!!!" to begin the article are just inflammatory right wing rhetoric. The killings may or may not have been justified but that's what the courts are for. I'm sure that Koresh had something to do with the killing also. I don't see this police state that you allege. We get few complaints; and when we do, they are checked fairly and thoroughly.

I take great offense to your criticism of former Union County Prosecutor Andrew Ruotolo. The Prosecutor was a good and fair man and did not deserve any of the attacks that you unfairly charged him with. He believed in aggressive but fair enforcement for everything. I think it is very unfair that you attack someone who is not here to defend himself. Of course, this is standard for people with your mentality.

I shudder when I think of all you narrow minded "militia" who want to arm themselves with more firepower than some countries. I fear for the safety of my officers who are doing the right thing, which is to fairly enforce the law. Hopefully, the politicians will continue to ban more weapons so there is a chance we can live in peace.

Frank DeSanto

CHIEF OF POLICE

FD/kk

"Be Careful . . . The Life You Save May Be Your Own"